

Glossary of Terms

31% Payment: A growing trend within the mortgage industry is to have a goal of having your maximum monthly mortgage payment (including principal, interest, real estate taxes, and homeowner's insurance) be at most 31% of your Gross Income.

Acceleration Letter (a.k.a.: Demand Letter): A letter from your lender, sent after you have stopped paying, stating that the whole amount of your mortgage is due immediately.

Answer: A written response to the Complaint, in which a homeowner lists all of their defenses to the foreclosure, as well as raising any counterclaims they may have against the Bank.

Capitalization: Capitalization occurs when items owed on a loan (past due interest, taxes, late charges, legal costs or other fees) are added to the unpaid principal balance of the loan and are treated as part of a new principal balance.

Complaint: A written document that is filed with the Court and tells you and the Court the reasons the Bank is suing you and what they are asking the Court to do. Because this is a foreclosure, the Bank is claiming you have not made your monthly payments as required by your Mortgage and Note.

Deed in Lieu of Foreclosure: A process where the borrower gives the deed to the property back to the Bank and the Bank discontinues any foreclosure action.

Default: Failing to meet the requirements of an agreement. Most mortgage defaults involve failing to make required mortgage payments.

Glossary of Terms

Deficiency: The amount a borrower owes to the Bank after the sale of the property at a foreclosure sale in the event the property is sold for less than the amount of the debt owed.

Forbearance: A plan to cure a default that may involve a temporary suspension or reduction of payments.

Interest rate: The amount charged by a Bank for the right to borrow money, as expressed as a percentage of the principal amount borrowed.

Judgment: The final part of a court case. A valid judgment resolves all the contested issues and terminates the lawsuit, since it is regarded as the court's official pronouncement of the law on the action that was pending before it. It states who wins the case and what remedies the winner is awarded.

Lis Pendens: A written notice that a lawsuit has been filed concerning real estate, involving either the title to the property or a claimed ownership interest in it. The notice is usually filed in the county clerk's office. Recording a Lis Pendens alerts a potential purchaser or lender that the property's title is in question, which makes the property less attractive to a buyer or lender.

Loan Modification: An agreement to permanently change one or more terms of the original mortgage (i.e.: interest rate, payment amount, term etc)

Loss Mitigation: The process in which the Bank will work with homeowners in an effort to avoid foreclosure. This term often refers to the group within the Bank that you will be working with throughout the foreclosure process.

Glossary of Terms

Loan Modification: An agreement to permanently change one or more terms of the original mortgage (i.e.: interest rate, payment amount, term etc)

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Mortgage: A written document that secures property as collateral for a loan. This is the document that allows the bank to foreclose, because you have agreed that if you default on the Note they can sell your property to collect on the debt.

Note: A written document that is a promise to pay. Typically, when you borrow a large sum of money from a lender, you pay it back with interest, in monthly installments, over a period of years. All these loan terms are found in the loan's Note.

Notice of Appearance: Formal notification by a party to a court (and to parties already involved in a case) that it wishes to participate in the litigation process.

Order of Reference: A document presented by the Bank to the Court, which allows the foreclosure proceeding to continue in the Court system if a Settlement Conference has been unsuccessful. An Order of Reference would appoint a Referee to determine how much you owe the Bank.

Principal Reduction: A reduction in the total amount owed on the loan.

Glossary of Terms

Process Server: A person authorized by law to deliver papers, typically the Summons and Complaint, to the Defendant.

Refinancing: The process of paying off a loan by borrowing new money, either from the existing lender or a new lender.

Repayment Plan: A plan where the borrower pays their regular monthly mortgage payment PLUS an additional payment in order to catch up and become current on your Mortgage.

Short Sale: The sale of a home for less than what is owed on the mortgage. Short sales must be approved by the lender, since they are going to take a loss on what is owed to them.

Stipulation of Discontinuance: A document filed by the Bank with the Court to signify that an agreement has been reached and that the foreclosure proceeding will be terminated.

History of Settlement Conferences and CPLR 3408



CPLR § 3408

Effective February 13, 2010

McKinney's Consolidated Laws of New York Annotated Commentaries
Civil Practice Law and Rules (CPLR & Amos)
§ Chapter Eight, Of the Consolidated Laws
§§ Article 34, Calendar Practice; Trial Preferences (CPLR & Amos)
→ → Rule 3408, Mandatory settlement conference in residential foreclosure actions

(a) [RE: until Feb. 13, 2015, pursuant to L.2009, c. 507, § 25, subd. c. See, also, subd. (c) below.] In any residential foreclosure action involving a home loan as such term is defined in section thirteen hundred four of the real property actions and proceedings law, in which the defendant is a resident of the property subject to foreclosure, the court shall hold a mandatory conference within sixty days after the date when proof of service is filed with the county clerk, or on such adjourned date as has been agreed to by the parties, for the purpose of holding settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including, but not limited to, determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to, and for whatever other purposes the court deems appropriate.

(a) [RE: Feb. 13, 2015. See, also, subd. (a) above.] In any residential foreclosure action involving a high-cost home loan commencing between January first, two thousand three and September first, two thousand eight, or a subprime or nontraditional home loan, as those terms are defined under section thirteen hundred four of the real property actions and proceedings law, in which the defendant is a resident of the property subject to foreclosure, the court shall hold a mandatory conference within sixty days after the date when proof of service is filed with the county clerk, or on such adjourned date as has been agreed to by the parties, for the purpose of holding settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including, but not limited to, determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to, and for whatever other purposes the court deems appropriate.

(b) At the initial conference held pursuant to this section, any defendant currently appearing pro se, shall be deemed to have made a motion to proceed as a poor person under section eleven hundred one of this chapter. The court shall determine whether such permission shall be granted pursuant to standards set forth in section eleven hundred one of this chapter. If the court grants defendant counsel pursuant to subdivision (b) of section eleven hundred one of this chapter, it shall adjourn the conference to a date certain for appointment of counsel and settlement discussions pursuant to subdivision (a) of this section, and otherwise shall proceed with the conference.

(c) At any conference held pursuant to this section, the plaintiff shall appear in person or by counsel, and if appearing by counsel, such counsel shall be fully authorized to dispose of the case. The defendant shall appear in person or by counsel. If the defendant is appearing pro se, the court shall advise the defendant of the nature of the action and his or her rights and responsibilities as a defendant. Where appropriate, the court may permit a representative of the plaintiff to attend the settlement conference telephonically or by video conference.

7

History of Settlement Conferences and CPLR 3408



CPLR § 3408 (continued)

(d) Upon the filing of a request for judicial intervention in any action pursuant to this section, the court shall send either a copy of such request or the defendant's name, address and telephone number (if available) to a housing counseling agency or agencies on a list designated by the division of housing and community renewal for the judicial district in which the defendant resides. Such information shall be used by the designated housing counseling agency or agencies exclusively for the purpose of making the homeowner aware of housing counseling and foreclosure prevention services and options available to them.

(e) The court shall promptly send a notice to parties advising them of the time and place of the settlement conference, the purpose of the conference and the requirements of this section. The notice shall be in a form prescribed by the office of court administration, or, at the discretion of the office of court administration, the administrative judge of the judicial district in which the action is pending, and shall advise the parties of the documents that they should bring to the conference. For the plaintiff, such documents should include, but are not limited to, the payment history, an itemization of the amounts needed to cure and pay off the loan, and the mortgage and note. If the plaintiff is not the owner of the mortgage and note, the plaintiff shall provide the name, address and telephone number of the legal owner of the mortgage and note. For the defendant, such documents should include, but are not limited to, proof of current income such as the two most recent pay stubs, most recent tax return and most recent property tax statements.

(f) Both the plaintiff and defendant shall negotiate in good faith to reach a mutually agreeable resolution, including a loan modification, if possible.

(g) The plaintiff must file a notice of discontinuance and vacatur of the lis pendens within one hundred fifty days after any settlement agreement or loan modification is fully executed.

(h) A party to a foreclosure action may not charge, impose, or otherwise require payment from the other party for any cost, including but not limited to attorneys' fees, for appearance at or participation in the settlement conference.

8

Settlement Conferences – Expectations and Procedures

- **Plaintiffs** – must appear in person or by representative fully authorized to dispose of case.
 - **Defendants (homeowners)** – ideally will be prepared with evaluation of case, budget, and proposals for resolution
 - **Courts** - Judicial Districts will differ in procedure
- *Goal:** Settlements (workouts and loan mods)

Settlement Conferences – Documents to Bring

- **Bank Attorney**
 - Copy of Mortgage and Note
 - Reinstatement Letter
 - Payment History
 - Loss Mitigation Forms
- **Homeowner**
 - Previous Loss Mitigation Submissions
 - Previous Correspondence with Bank
 - Proof of Income and Expenses
 - Federal Tax Return

Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE

PART 1 – PRE-FORECLOSURE FILING

HOMEOWNER FALLS BEHIND ON MORTGAGE PAYMENTS

STAGE
1


Empire Justice Center

11

Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE

PART 1 – PRE-FORECLOSURE FILING

HOMEOWNER FALLS BEHIND ON MORTGAGE PAYMENTS

STAGE
1

90-DAY NOTICE SENT OUT

STAGE
2

End of delinquency

HOMEOWNER PAYS ARREARS?

Yes


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12

Path of A Foreclosure in New York

Sample 90-day notice (Pursuant to RPAPL § 1304)

Mr. and Mrs. Homeowner
123 Main Street
Anytown, NY 12345

You Could Lose Your Home.
Please Read the Following Carefully

As of _____, your home loan is _____ days in default. Under New York State Law, we are required to send you this notice to inform you that you are at risk of losing your home. You can cure this default by making the payment of _____ dollars by _____.

If you are experiencing financial difficulty, you should know that there are several options available to you that may help you keep your home. Attached to this notice is a list of government approved housing counseling agencies in your area which provide free or very low-cost counseling. You should consider contacting one of these agencies immediately. These agencies specialize in helping homeowners who are facing financial difficulty. Housing counselors can help you assess your financial condition and work with us to explore the possibility of modifying your loan, establishing an easier payment plan for you, or even working out a period of loan forbearance. If you wish, you may also contact us directly at _____ and ask to discuss possible options.

While we cannot assure that a mutually agreeable resolution is possible, we encourage you to take immediate steps to try to achieve a resolution. The longer you wait the fewer options you may have.

If this matter is not resolved within 90 days from the date this notice was mailed, we may commence legal action against you (or sooner if you cease to live in the dwelling as your primary residence)

If you need further information, please call the New York State Banking Department's toll free helpline at 1-877-Bank-NYS (1-877-226-5697) or visit the department's website at <http://www.banking.state.ny.us>.

Path of A Foreclosure in New York

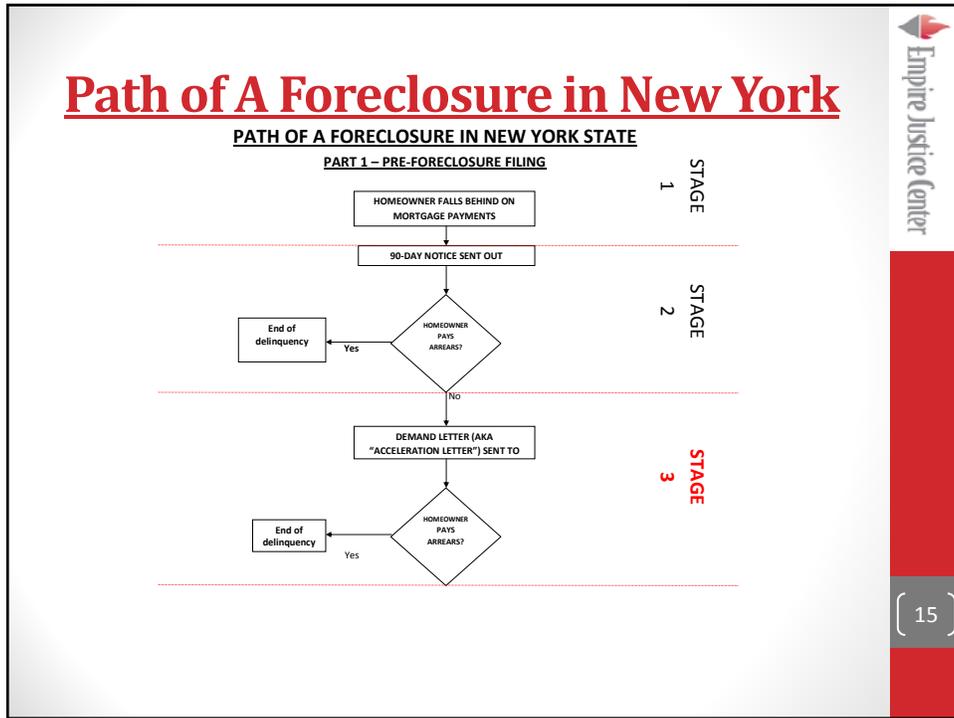
90 Day Pre-Foreclosure Notice - Details

To whom it must be sent:

- Starting 9/1/08, lenders or mortgage loan servicers must send homeowners with "high-cost," "subprime," and "non-traditional" home loans a notice at least 90 days prior to the commencement of a legal action.
- Notices must be sent by registered or certified mail and by first-class mail, to the last known address of the borrower.

Exemptions from the notice requirement:

- The 90-day period does not apply to mortgagors in bankruptcy, or if the borrower does not occupy that residence as their principal dwelling. The notice and the ninety-day period must be provided only once per year to the same borrower for the same loan.



Path of A Foreclosure in New York

Sample Demand Letter

Sent Via Certified Mail
7196 9001 9295 5783 0918

Hours of Operations (CST)
Monday: 8 am – 7 pm
Tuesday-Thursday: 8 am – 8 pm
Friday: 9 am – 5 pm
Saturday: 8 am – 12 pm

10/8/2011

Ms. Betsy Ross
123 Main Street
Anywhere, New York 12345

NOTICE OF DEFAULT AND INTENT TO ACCELERATE

Re: Deed of Trust/Mortgage Dated: 4/1/2006
VA/FHA/PMI: N/A
Loan #: 7162042400
Property: 123 Main Street, Anytown New York 12345

Dear Mortgageor(s):

American Dream Loan Servicing LP, on behalf of the owner and holder of your mortgage loan, and in accordance with the referenced Deed of Trust Mortgage and applicable state laws, provides you with formal notice of the following:

The mortgage loan associated with the referenced Deed of Trust/Mortgage is in default for failure to pay amounts due.

To cure this default, you must pay all amounts due under the terms of your Note and Deed of Trust/Mortgage. As of 10/8/2011, the total amount necessary to bring your loan current is \$3,955.30. Additional amounts may become due and payable under your Note and Deed of Trust/Mortgage after 10/8/2011. For the exact amount you may pay to bring your loan current, please contact at our office at (800)999-5678. Payment must be in the form of cashier's check, money order, or bank certified funds.

If you have not cured the default within forty-five (45) days of this notice we will accelerate the maturity date of the Note and declare all outstanding amounts under the Note immediately due and payable. Your property that is collateral for the Note may then be scheduled for foreclosure in accordance with the terms of the Deed of Trust/Mortgage and applicable state laws.

AMERICAN DREAM LOAN SERVICING LP IS A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT YOUR DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

If you are not obligated on the debt or if the debt has been discharged in a bankruptcy proceeding, this is for informational purposes only and is not an attempt to collect the debt from you personally.

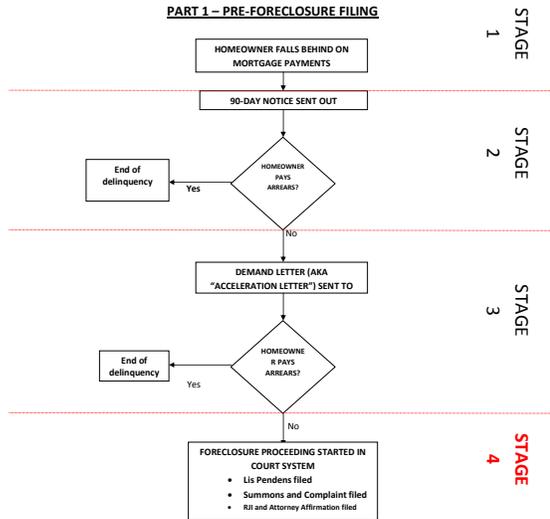
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16

Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE

PART 1 – PRE-FORECLOSURE FILING



Path of A Foreclosure in New York

Sample Summons

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

NATIONAL TRUST COMPANY, AS TRUSTEE OF THE AMERICAN INDEX MORTGAGE LOAN TRUST 2005-AR14, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AR14 UNDER THE POOLING AND SERVICING AGREEMENT DATED JUNE 1, 2005

Plaintiff,

v.

BETSY ROSS
"JOHN DOE #1" to "JOHN DOE #10," the last 10 names being fictitious and unknown to plaintiff; the persons or parties intended being the persons or parties, if any, having or claiming an interest in or lien upon the mortgage premises described in the verified complaint,

Defendants.

Index No. 2011-12345
Date Filed: 12/5/2011

SUMMONS

Plaintiff designated Monroe county as the place of trial based on the mortgaged premises in the action.

Plaintiff's principal place of business is 5000 Golden Parkway, Suite 200, Topeka, Kansas 66601

To the above-named defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the summons, to serve a notice of appearance, on the plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Path of A Foreclosure in New York

Sample Request for Judicial Intervention ("RJI")

REQUEST FOR JUDICIAL INTERVENTION
US-646 (2010)

COURT, COUNTY OF _____

Index No. _____ Date Index Issued: ____/____/____

CAPTION: Enter the complete case caption. Do not use et al or et seq. If more space is required, attach a separate sheet.

Plaintiff(s)/Petitioner(s) _____

Defendant(s)/Respondent(s) _____

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

MATrimonIAL
 Common Law
 NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATrimonIAL RA Addendum. For Unincumbered Matrimonial actions, use RA form UD-13.
 Divorce
 Annulment
 Environmental
 Medical, Dental, or Podiatric Malpractice
 Motor Vehicle
 Products Liability
 Other Negligence
 Other Professional Malpractice
 Other Tort

COMMERCIAL
 Business Entity (including corporations, partnerships, LLCs, etc.)
 Contract
 Insurance (where insured is a party, except arbitrator)
 UCC (including sales, negotiable instruments)
 Other Commercial

REAL PROPERTY How many properties from the application include?
 Commercial
 Residential
 Commercial
 Mortgage Foreclosure (see Note)
 Property Address _____
 NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RA Addendum.
 Tax Delinquent - Section _____ Book _____ Lot _____
 Tax Foreclosure
 Other Real Property

OTHER MATTERS (See NOTE under Commercial)
 Certificate of Incorporation/Charter
 Emergency Medical Treatment
 Release Order
 Local Court Appeal
 Mechanics Lien
 Name Change
 Photo Permit/Recall Hearing
 Sale or Finance of Registered Sex-Offender Property
 Other

SPECIAL PROCEEDINGS
 CPLR Article 75 (Summary Judgment) (See NOTE under Commercial)
 CPLR Article 78 (Stay or Officer)
 Medical Lien
 MHL Article 8-B0 (Plaintiff's Lien)
 MHL Article 10 (See Officer Confinement-Removal)
 MHL Article 10 (See Officer Confinement-Release)
 MHL Article 81 (Quarantine)
 Other Statute
 Other Special Proceeding

STATUS OF ACTION OR PROCEEDING: Answer YES or NO to EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons whiclike been filed? YES NO
 If YES, Date Filed: ____/____/____
 If NO, Date Filed: ____/____/____

Has a summons and complaint or summons whiclike been served? YES NO
 If YES, Date Served: ____/____/____
 If NO, Date Served: ____/____/____

Is this understanding being filed post-judgment? YES NO
 If YES, Judgment Date: ____/____/____
 If NO, Judgment Date: ____/____/____

Path of A Foreclosure in New York

Sample Request for Judicial Intervention ("RJI") - Page Two

NATURE OF JUDICIAL INTERVENTION: Check ONE box only AND enter additional information where indicated.

Infringement
 Inmate of Issue and/or Certificate of Readiness
 Notice of Medical, Dental, or Podiatric Malpractice
 Notice of Medical
 Notice of Pollution
 Order to Show Cause
 Other Ex Parte Application
 Prior Person Application
 Request for Preliminary Conference
 Residential Mortgage Foreclosure Settlement Conference
 Will of Inmate of Issue
 Other (specify): _____

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RA Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: For parties without an attorney, check "In-Pay" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the RA Addendum.

Party	Address (include party address and include party phone) (if a defendant, list party address)	Attorney and/or Unrepresented Litigant (Provide attorney name, full name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For non-attorneys, list name, business address, phone number and e-mail address.)	Inmate (YES)	Insurance Carrier(s)
Defendant			<input type="checkbox"/> YES <input type="checkbox"/> NO	
Plaintiff			<input type="checkbox"/> YES <input type="checkbox"/> NO	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: ____/____/____

Signature: _____

Attorney Registration Number: _____ Print or Type Name: _____

Path of A Foreclosure in New York

**Sample Request
for Judicial
Intervention ("RJI")
- Foreclosure
Addendum**

FORECLOSURE Request for Judicial Intervention Addendum USJCMR 1204

COURT, COUNTY OF _____ INDEX NO. _____

For use in ALL mortgage foreclosure actions where the property is: (check if applicable)

1. A one- to four-family owner-occupied residential property

OR

2. An owner-occupied condominium

Instructions

If # 1 or # 2 is applicable:

- Select "Residential Mortgage Foreclosure Settlement Conference" on the Notice of Judicial Intervention on the R.J.I.
- The Defendant/Respondent Information section below **MUST** be completed for all defendants and attached to the R.J.I.

DEFENDANT/RESPONDENT INFORMATION: List parties in caption order. Attach additional sheets as necessary.

1. Last Name _____ First Name _____ Primary Phone (____) _____ Secondary Phone (____) _____

Address _____ (Street Address) _____ (City) _____ (State) _____ (Zip) _____ e-mail _____

Comments _____ 90-day Notice (RPAP, § 1304) mailed on ____/____/____

2. Last Name _____ First Name _____ Primary Phone (____) _____ Secondary Phone (____) _____

Address _____ (Street Address) _____ (City) _____ (State) _____ (Zip) _____ e-mail _____

Comments _____ 90-day Notice (RPAP, § 1304) mailed on ____/____/____

3. Last Name _____ First Name _____ Primary Phone (____) _____ Secondary Phone (____) _____

Address _____ (Street Address) _____ (City) _____ (State) _____ (Zip) _____ e-mail _____

Comments _____ 90-day Notice (RPAP, § 1304) mailed on ____/____/____

4. Last Name _____ First Name _____ Primary Phone (____) _____ Secondary Phone (____) _____

Address _____ (Street Address) _____ (City) _____ (State) _____ (Zip) _____ e-mail _____

Comments _____ 90-day Notice (RPAP, § 1304) mailed on ____/____/____

5. Last Name _____ First Name _____ Primary Phone (____) _____ Secondary Phone (____) _____

Address _____ (Street Address) _____ (City) _____ (State) _____ (Zip) _____ e-mail _____

Comments _____ 90-day Notice (RPAP, § 1304) mailed on ____/____/____

ATTENTION: Proof of service must be filed with this R.J.I. for each defendant upon whom a summons and complaint or summons with notice has been served. (CPLR § 3402)

Path of A Foreclosure in New York

**Sample Attorney
Affirmation**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

Plaintiff,

v. _____

Defendant(s)

AFFIRMATION

Index No.: _____

Mortgaged Premises: _____

N.B.: During and after August 2010, numerous and widespread insufficiencies in foreclosure filings in various courts around the nation were reported by major mortgage lenders and other authorities, including failure to review documents and files to establish standing and other foreclosure requisites; filing of unsworn affidavits which falsely attest to such review and to other critical facts in the foreclosure process; and "robosignatures" of documents.

_____, Esq., pursuant to CPLR §2106 and under the penalties of perjury, affirms as follows:

- I am an attorney at law duly licensed to practice in the state of New York and am affiliated with the Law Firm of _____, the attorneys of record for Plaintiff in the above-captioned mortgage foreclosure action. As such, I am fully aware of the underlying action, as well as the proceedings had herein.
- On [date], I communicated with the following representative or representatives of Plaintiff, who informed me that he/she/they (a) personally reviewed plaintiff's documents and records relating to this case for factual accuracy; and (b) confirmed the factual accuracy of the allegations set forth in the Complaint and any supporting affidavits or affirmations filed with the Court, as well as the accuracy of the notarizations contained in the supporting documents filed therewith.

Name _____ Title _____

Path of A Foreclosure in New York



Sample Attorney
Affirmation –
Page Two

- 3. Based upon my communication with [person/s specified in ¶2], as well as upon my own inspection and other reasonable inquiry under the circumstances, I affirm that, to the best of my knowledge, information, and belief, the Summons, Complaint, and other papers filed or submitted to the Court in this matter contain no false statements of fact or law. I understand my continuing obligation to amend this Affirmation in light of newly discovered material facts following its filing.
- 4. I am aware of my obligations under New York Rules of Professional Conduct (22 NYCRR Part 1200) and 22 NYCRR Part 130.

DATED: _____

N.B.: Counsel may augment this affirmation to provide explanatory details, and may file supplemental affirmations or affidavits for the same purpose.

[Revised 11/18/10]

Path of A Foreclosure in New York



Lis Pendens

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X

Plaintiff(s),

Index No.

-against-

NOTICE OF PENDENCY
OF ACTION

Defendant(s).
-----X

NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending against the above named defendants pursuant to the applicable provisions of _____ for _____.

AND NOTICE IS FURTHER GIVEN that the premises affected by the said foreclosure action, were, at the time of commencement of said action, and at the time of the filing of this notice situate in District _____, Section _____, Block _____ and Lot _____ on the land and tax map of the County of _____ in the State of New York, and is more fully described as follows:

Insert Legal Description

TOGETHER with all right, title and interest of the defendants in and to the land lying in the streets and roads in front of and adjoining said premises.

Dated: _____

TO: THE CLERK OF THE COUNTY OF _____:

You are hereby directed to index the within Notice of Pendency of Action to the names of the Defendants herein.

Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE
PART 2 – POST-FORECLOSURE FILING

```
graph TD; A[FORECLOSURE PROCEEDING STARTED IN COURT SYSTEM  
• Lis Pendens filed  
• Summons and Complaint filed] --> B{ANSWER FILED (OPTIONAL)};
```

The flowchart illustrates the process starting in Stage 4, where a foreclosure proceeding is initiated in the court system through the filing of Lis Pendens and a Summons and Complaint. This leads to Stage 5, where an answer is filed, which is noted as optional. The diagram is presented on a slide with the Empire Justice Center logo and a page number of 25.

Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE
PART 2 – POST-FORECLOSURE FILING

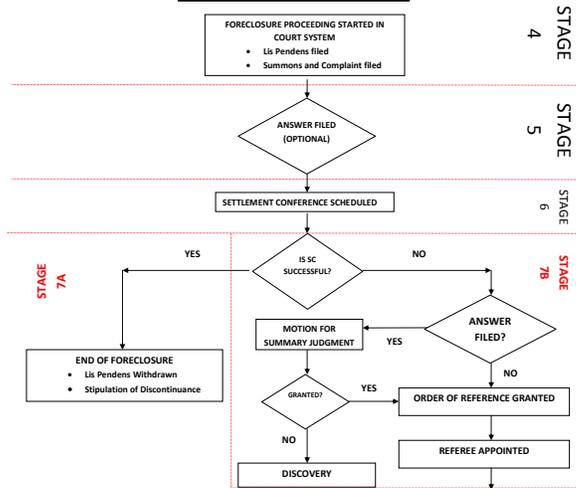
```
graph TD; A[FORECLOSURE PROCEEDING STARTED IN COURT SYSTEM  
• Lis Pendens filed  
• Summons and Complaint filed] --> B{ANSWER FILED (OPTIONAL)}; B --> C[SETTLEMENT CONFERENCE SCHEDULED];
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The flowchart continues from Stage 5 to Stage 6, where a settlement conference is scheduled. This step follows the optional filing of an answer. The diagram is presented on a slide with the Empire Justice Center logo and a page number of 26.

Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE

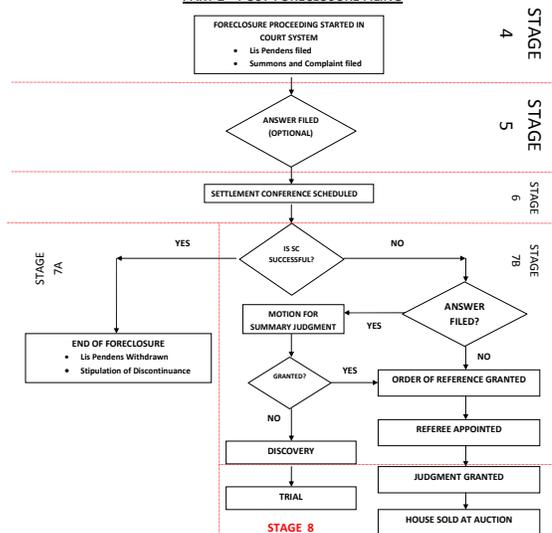
PART 2 – POST-FORECLOSURE FILING



Path of A Foreclosure in New York

PATH OF A FORECLOSURE IN NEW YORK STATE

PART 2 – POST-FORECLOSURE FILING



Questions?

- Contact Kevin Purcell, Esq.
 - kpurcell@empirejustice.org
 - 585-295-5820